

Country Day/MONTH/Year Filed

PRIOR FOREIGN APPLICATION(S):

Number

### DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION



Date Patented

or Granted:

Priority Claimed?

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED "Method and Apparatus for Classifying Remote Procedure Call Transport Traffic", the specification of which was filed on December 29, 2000, under U.S. Patent Application Serial No., 09/752,112.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

Date first Laid-

open or Published:

114411001	<u> </u>		•				Yes 🗖 No 🗖
international applications and claim information known	ations listed ed in this ap to me to be	I above or below and, pplication is in addition material to patentabili	if this is a to that disc ty as define	0/365 of the indicated Ua continuation-in-part (closed in such prior apped in 37 C.F.R. 1.56 what in 37 date of this application.	CIP) appli lications, I ich becam	cation, insofar as acknowledge the	the subject matter duty to disclose all
PRIOR U.S. PROV Application No.: D	ISIONAL, I ay/MONTI	NONPROVISIONAL A 1/Year Filed:	AND/OR P	CT APPLICATIONS (pendir	ng, abando	Status ned, patented)	Priority Claimed? Yes \( \bar{\pi} \) No \( \bar{\pi} \)
believed to be true; punishable by fine	and further or imprison	that these statements w	ere made w Section 10	ledge are true and that a with the knowledge that 01 of Title 18 of the latent issued thereon.	willful fals	e statements and th	ne like so made are
tel. (650) 233-4790 and collectively my therewith and with trely on instructions	(to whom a attorneys the resulting from and co	all communications are to prosecute this applic patent, and I hereby a sommunicate directly with	to be direct to tation and the suthorize the the the the the the the the the th	Avenue, N.W., Ninth Flocted), and the below-na to transact all business em to delete names of pnee which first sent this il I instruct the above Firmannia.	med perso in the Pat persons no case to the	ns (of the same adent and Trademark longer with their fam and by which I	dress) individually of Office connected firm and to act and
Paul N. Kokulis G. Lloyd Knight Kevin E. Joyce George M. Sirilla Donald J. Bird Dale S. Lazar Paul E. White, Jr. Glenn J. Perry	16773 17698 20508 18221 25323 28872 32011 28458	Kendrew H. Colton G. Paul Edgell Lynn E. Eccleston Timothy J. Klima David A. Jakopin Mark G. Paulson Stephen C. Glazier Richard H. Zaitlen	30368 24238 35861 34852 32995 30793 31361 27248	Roger R. Wise Michael R. Dzwonczyk W. Patrick Bengtsson Jack S. Barufka Adam R. Hess William P. Atkins Paul L. Sharer Robin L. Teskin	31204 36787 32456 37087 41835 38821 36004 35030	Anthony L. Miele Robert J. Walters Brian J. Beatus	34393 40862 38825
INVENTOR'S SIGI a. Name: Residence (Cit Post Office Add	Rob y):	nert J. DUNCAN San Francisco, Ca 3274 20 <sup>th</sup> Street San Francisco, Ca			Date _	4(に入るし y of Citizenship: し	Inited Kingdom
INVENTOR'S SIGI					Date	Country of Citi	zanahini Jamal
<ul> <li>Name: Residence (Cit Post Office Add</li> </ul>	y):	I. LAVIAN Sunnyvale, Califo 1351 Zurich Terra				Country of Citi	zenship: Israel

Sunnyvale, CA 94087

## DECLARATION AND POWER OF ATTORNEY APR 2 4 2001 4 FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED "Method and Apparatus for Classifying Remote Procedure Call Transport Traffic", the specification of which was filed on December 29, 2000, under U.S. Patent Application Serial No., 09/752,112.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOR	EIGN APPLICATION(S):	Date first Laid-	Date Patented	
Number	Country Day/MONTH/Year Filed	open or Published:	or Granted:	Priority Claimed?
<u>r turriour</u>	004111			Yes No O

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATIONS

Application No.: Day/MONTH/Year Filed: (pending, abandoned, patented)

Yes \( \sigma \text{No } \sigma \)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, tel. (650) 233-4790 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names of persons no longer with their firm and to act and rely on instructions from and communicate directly with the assignee which first sent this case to them and by which I hereby declare that I have consented after full disclosure to be represented, unless/until I instruct the above Firm in writing to the contrary.

3/303

Paul N. Kokulis	16773	Kendrew H. Colton	30368	Roger R. Wise	31204	Anthony L. Miele	34393
G. Lloyd Knight	17698	G. Paul Edgell	24238	Michael R. Dzwonczyk	36787	Robert J. Walters	40862
Kevin E. Joyce	20508	Lynn E. Eccleston	35861	W. Patrick Bengtsson	32456	Brian J. Beatus	38825
George M. Sirilla	18221	Timothy J. Klima	34852	Jack S. Barufka	37087		
Donald J. Bird	25323	David A. Jakopin	32995	Adam R. Hess	41835		
Dale S. Lazar	28872	Mark G. Paulson	30793	William P. Atkins	38821		
Paul E. White, Jr.	32011	Stephen C. Glazier	31361	Paul L. Sharer	36004		
Glenn J. Perry	28458	Richard H. Zaitlen	27248	Robin L. Teskin	35030		
INVENTOR'S SIGN	ATURE:				Date		
a. Name:	_	ert J. DUNCAN	-	<del></del>	Countr	y of Citizenship: Unite	ed Kingdom
Residence (City)	):	San Francisco, Ca	alifornia				
Post Office Address:		3274 20 <sup>th</sup> Street					
		San Francisco, Ca	ላ 94110				
				•		,	
		Tay	uvia			3/29/11	
INVENTOR'S SIGNATURE:					Date	710710.	
b. Name:	Tal	I. LAVIAN				Country of Citizen	ship: Israel

Sunnyvale, California

1351 Zurich Terrace Sunnyvale, CA 94087

60212004v1

Residence (City): Post Office Address:

# Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

(a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refers, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability.

#### PATENT LAWS 35 U.S.C.

#### §102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

#### §103. Condition for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

<sup>\*</sup> Six months for Design Applications (35 U.S.C. 172).